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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR04-512-MJP

12 v.

13 KYONG HEE ALABDULWAHED,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16
17 **INTRODUCTION**

18 I conducted a hearing on alleged violations of supervised release in this case on June 16,
19 2011. The defendant appeared pursuant to a summons issued in this case. The United States
20 was represented by Tessa M. Gorman, and defendant was represented by Suzanne Lee Elliot.
21 Also present was U.S. Probation Officer Sara Moore. The proceedings were digitally recorded.

22 **SENTENCE AND PRIOR ACTION**

23 Defendant was sentenced on June 9, 2006, by the Honorable Marsha J. Pechman for
Conspiracy to Commit Bank Fraud. He received 30 months of detention and 5 years of
supervised release.

On April 22, 2009, supervised release was revoked after the Court found ms.
Alabudulwahed had committed the following violations: using marijuana on or about February

1 12, 2008, June 2, 2008, June 10, 2008, June 22, 2008, and August 11, 2008; committing the
2 crime of driving under the influence on August 16, 2008, and August 11, 2008; committing the
3 crime of driving while license suspended on September 24, 2008; failing to report to the
4 probation office as directed on September 24, 2008; and failing to notify the probation officer
5 within 72 hours of being arrested/questioned by a law enforcement officer. The court sentenced
6 Ms. Alabdulwahed to 6 months detention. She was placed on 3 years of supervised release and
7 ordered to pay restitution in the amount of \$24, 126.60. The standard conditions and special
8 conditions that were previously imposed remained in effect.

9 On January 25, 2010, supervised release was revoked after the Court found Ms.
10 Alabdulwahed had committed the following violations: failing to report to the probation office as
11 directed; failing to notify the probation officer within 72 hours of her October 27, 2009, arrest by
12 law enforcement on a DUI warrant; and failing to notify the probation office at least 10 days
13 prior to any change in residence. The Court sentenced Ms. Alabdulwahed to 8 months custody.
14 She was placed on 22 months of supervised release and ordered to pay restitution in the amount
15 of \$24,126.60. The standard conditions and special conditions that were previously imposed
16 remain in effect.

17 On January 25, 2011, a violation report requesting no action was submitted to the Court for
18 Ms. Alabdulwahed's failure to make payments toward restitution as set forth by the probation
19 officer.

20 Ms. Alabdulwahed's instant term of supervised release commenced on August 6, 2010. Her
21 supervision is scheduled to expire on June 5, 2012.

22 PRESENTLY ALLEGED VIOLATIONS

23 In a petition dated May 24, 2011, U.S. Probation Officer Sara K. Moore alleged that

1 defendant violated the following conditions of supervised release:

- 2 1. Using marijuana on or about April 10, 2011, in violation of standard condition 7.
- 3 2. Using cocaine on or about April 12, 2011, in violation of standard condition 7.
- 4 3. Using marijuana on or about April 27, 2011, in violation of standard condition 7.
- 5 4. Using cocaine on or about April 28, 2011, in violation of standard condition 7.
- 6 5. Using marijuana on or about May 7, 2011, in violation of standard condition 7.
- 7 6. Failing to participate in mental health treatment as directed, in violation of the
- 8 special condition requiring the defendant to participate as instructed in a mental health program approved by the probation office.

9 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

10 Defendant admitted to violations 1, 3, and 5. An evidentiary hearing on the remaining
11 violations, 2, 4, and 6, has been set before the Honorable Marsha J. Pechman on June 29, 2011,
12 at 10:00 a.m. Defendant was advised of the date and time of the evidentiary hearing.

13 **RECOMMENDED FINDINGS AND CONCLUSIONS**

14 Based upon the foregoing, I recommend the court find that defendant has violated the
15 conditions of his supervised release as alleged above, and conduct a disposition hearing.

16 DATED this 16th day of June, 2011.

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19 **BRIAN A. TSUCHIDA**
20 United States Magistrate Judge
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